

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE
OCT 30 P 1:20
CASE NO. 04-11539-JLT
U.S. DISTRICT COURT
DISTRICT OF MASS.

WALTER STICKLE, ANTHONY)
CALIENDO, JOHN PITINGOLO and)
DANIEL FISHER,)
Plaintiffs)
)
)
v.)
)
ARTHUR ORFANOS,)
Defendant)
_____)

DEFENDANT'S OPPOSITION TO PLAINTIFFS' MOTION
FOR ATTORNEY FEES AND COSTS

NOW COMES the Defendant in the above-captioned matter and respectfully
Move this Honorable Court to deny plaintiffs motion for court costs and attorneys
Fees and costs;

1. The Plaintiffs have brought this action in a frivolous manner. The
intervention of the court system and to hire legal counsel was completely unnecessary.

2. The Defendant respectfully reminds the Honorable Court that The
Plaintiffs' motion seeking contempt of court and requesting these attorney fees and costs
in the amount of \$29,788.00 was DENIED on or about March 15, 2005. Attached as
Exhibit A is a copy of that motion.

3. The Defendant at no time advertised himself as the Plaintiffs' band, did
not offer goods and/or services, or conduct commerce as such. The Plaintiffs

Have suffered no loss, injury or damages of any kind.

4. The Plaintiff's motion ¶ 8 & 9 is inaccurate and untrue. The Plaintiffs' decision to obtain legal counsel was not due to my negligence, malice or any other action. I was never contacted by the Plaintiffs verbally or in writing to resolve any matters as they claim. The Plaintiffs also did not issue a legal demand letter to the Defendant under M.G.L 93A, or make any decent attempt to contact with regard to this matter.

5. The Plaintiffs filed this action without need; their decision to hire attorney Was something that I had no control over or am responsible for, it is not something I should not be held accountable for. This entire situation could have been avoided if they contacted me first without hiring an Attorney.

6. There is a history between myself [Defendant] and the Plaintiffs. The Plaintiffs are aware of my poor financial situation. I have no money; I do not own a Home, I have no assets. Their reasons for taking this action are purely vindictive.

7. I respectfully remind the court that on or about May 6, 2004 I wrote the Plaintiffs a personal letter and asked them to contact me to discuss matters amongst ourselves so that both parties could avoid legal expense as well as the intervention of the court system; instead they chose to hire an Attorney and file this action through the Honorable Court.

8. When the Plaintiffs did not respond to my letter, I also called Tony Caliendo to Speak to him about this matter; he was hostile and refused to speak with me. It is clear that he had no intentions whatsoever to speak to me.

9. I also communicated with the Plaintiffs or about August 20, 2004 that I was willing to resolve our issue without court interventions, without the further expense of Attorneys for either party. Attached as exhibit B is a copy of the fax sent to the Plaintiffs. I also contacted the Plaintiffs' to resolve issues to avoid further expense, on or about June 25, 2005, Attached as exhibit C is a copy of email sent to Anthony Caliendo.

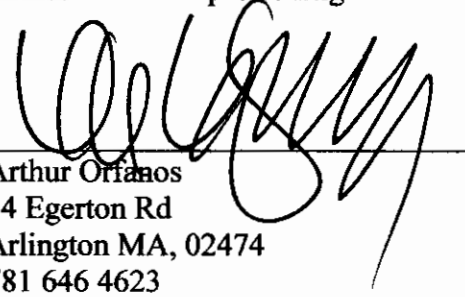
10. I did not know Attorney Pelosky's motion to withdraw was granted until on or about February 17, 2006. I was not notified by anyone that there was a hearing scheduled February 9, 2006, and was held without my knowledge. This default was not caused due to my negligence. I have a defense but I did not receive fair chance to present it to the Honorable court.

11. I have been prejudiced the result has caused me harm. I have made many attempts to resolve issues with the Plaintiffs. Plaintiffs chose to ignore me and made the decision to pursue this matter through the court system. I did not force them to do so.

WHEREFORE, the Defendant respectfully requests that the Plaintiff's motion for Attorneys' fees and costs for \$32,270.00 are denied.

Dated October 24, 2006

respectfully submitted,
Arthur Orfanos / pro se litigant



Arthur Orfanos
54 Egerton Rd
Arlington MA, 02474
781 646 4623

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CASE NO. 04-11539-JLT

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|-------------------------------------|---|
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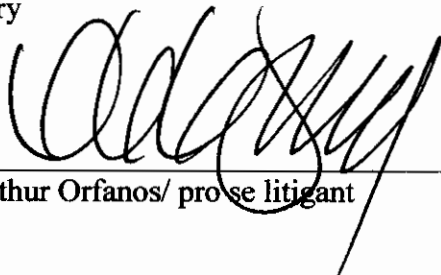
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the within Defendant's Motion to Defendant's opposition to Plaintiffs' motion for Attorneys fees and costs was this day served upon Plaintiffs by mailing same first class Postage prepaid to:

Michael B. Newman, Attorney of Plaintiff, of Clark, Hunt and Embry, 55 Cambridge Parkway, Cambridge MA, 02141.

SIGNED under the pains and penalties of perjury

Dated October 24, 2004



Arthur Orfanos/ pro se litigant